

**Express Mail No.: EV 475 141 192 US**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Zeldis

Confirmation No.: 8197

Application No.: 10/749,344

Group Art Unit: 1632

Filed: December 30, 2003

Examiner: To Be Assigned

For: DRUG-COATED STENTS AND  
METHODS OF USE THEREFOR

Attorney Docket No.: 9516-070-999  
(CAM No.: 501872-999069)

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF  
NON-PROVISIONAL APPLICATION FILED UNDER 37 C.F.R. §1.53(b)**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Non-Provisional Application mailed on May 5, 2004 (the "Notice") in connection with the above-identified application, Applicants respectfully submit herewith the following: (1) a Declaration executed by the inventor; (2) a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) with provision for the required fee (in duplicate) for three (3) months from July 5, 2004 up to and including October 5, 2004; (4) Power of Attorney by Assignee and Exclusion of Inventors Under 37 C.F.R. 3.71 with Statement Under 37 C.F.R. 3.73(b) (including a copy of an executed assignment from the inventors to Celgene Corporation); (5) a copy of the Notice; and (6) a copy of a Patent Application Fee Value Sheet, including a copy (both sides) of a date-stamped return-receipt postcard, evidencing payment of the statutory basic filing fee and additional claim(s) fees.

The Notice indicates that the statutory basic filing fee of \$770 and total additional claim fee(s) of \$126 are required in connection with the above-identified application. Applicants submit herewith a copy of a Patent Application Fee Value sheet filed concurrently with the above-identified application authorizing payment of the statutory basic filing fee of \$770 and total additional claim fee(s) of \$126. Further submitted herewith is a copy (both sides) of a date-stamped return-receipt postcard indicating receipt of the Patent Application Fee Value sheet by the USPTO. Accordingly, Applicants believe that the statutory basic filing fee of \$770 and total additional claim fee(s) of \$126 have already been paid. However, should the USPTO determine that the statutory basic filing fee of \$770 and

total additional claim fee(s) of \$126 have not been paid, please charge these fees to Jones Day Deposit Account No. 50-3013.

Please charge the declaration surcharge fee of \$130 and any other fee(s) that may be required to Jones Day Deposit Account No. 50-3013. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

*Anthony M. Insogna, Reg. No. 35,203*

Date: October 5, 2004

*By: Michael J. Bruner, Reg. No. 47,458*

By: Michael J. Bruner (Reg. No. 47,458)

For: Anthony M. Insogna (Reg. No. 35,203)

**JONES DAY**

222 East 41st Street

New York, New York 10017

(858) 314-1130

Enclosures

Exp. No. 335 858 132 US  
Date Mailed December 30, 2003  
Serial No. To be assigned  
Inventor Zeldis

Filed December 30, 2003

22390 U.S. PTO  
10/749344



123003

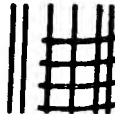
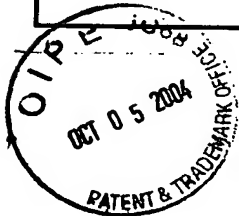
For DRUG-COATED STENTS AND METHODS OF USE THEREFOR

- |  |   |
|--|---|
| <input type="checkbox"/> Affidavit/Declaration   | <input type="checkbox"/> Fee Address Indication Form  |
| <input type="checkbox"/> Amendment <input type="checkbox"/> Response   | <input checked="" type="checkbox"/> Patent Application Fee Value Sheet with provision for fee (in duplicate)  |
| <input checked="" type="checkbox"/> Application 65 pages (including 1 page abstract)                           | <input type="checkbox"/> Issue Fee Transmittal  |
| <input checked="" type="checkbox"/> 27 Claims Drawing Sheets   | <input type="checkbox"/> Notice of Appeal   |
| <input type="checkbox"/> Assignment <input type="checkbox"/> Cover Sheet                                       | <input type="checkbox"/> Oral Hearing Request/Confirm   |
| <input type="checkbox"/> Brief (in triplicate)   | <input type="checkbox"/> Petition to Extend Time months   |
| <input type="checkbox"/> Declaration & Power of Attorney   | <input type="checkbox"/> Petition Under 37 C.F.R.   |
| <input type="checkbox"/> Executed <input type="checkbox"/> Unexecuted <input type="checkbox"/> Copy            | <input type="checkbox"/> Power of Attorney  |
| <input checked="" type="checkbox"/> Declaration of Inventors   | <input type="checkbox"/> By Assignee <input type="checkbox"/> Associate <input type="checkbox"/> w/Revocation |
| <input type="checkbox"/> Executed <input checked="" type="checkbox"/> Unexecuted <input type="checkbox"/> Copy | <input type="checkbox"/> Request for Correction of Filing Receipt   |
| <input type="checkbox"/> Disclosure Statement <input type="checkbox"/> Form PTO-1449                           | <input type="checkbox"/> Small Entity Statement   |
| <input type="checkbox"/> w/refs.   | <input type="checkbox"/> w/o refs. <input type="checkbox"/> Status Letter                                     |
| <input type="checkbox"/> Drawings  | <input checked="" type="checkbox"/> Utility Patent Transmittal  |
| Sheets Figures   | <input type="checkbox"/> Fee By Deposit Account 16-1150   |

Other:

File no.: 9516-070-999

Sender: AMI/MLB



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Pennie & Edmonds LLP  
1155 Avenue of the Americas  
New York, NY 10109-1441



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Express Mail No. EV 335 858 132 US

PENNIE & EDMONDS LLP  
COUNSELORS AT LAW  
1155 Avenue of the Americas  
New York, New York 10036-2711

ATTORNEY DOCKET NO. 9516-070-999

Date: December 30, 2003

Commissioner for Patents  
P.O. Box 1450  
Mail Stop PATENT APPLICATION  
Alexandria, VA 22313-1450

Sir:

The following utility patent application is enclosed for filing:

Applicant(s): Jerome B. Zeldis Executed on: Unexecuted  
Title of Invention: DRUG-COATED STENTS AND METHODS OF USE THEREFOR

**PATENT APPLICATION FEE VALUE**

TYPE	NO. FILED	LESS	EXTRA	EXTRA RATE	FEE
Total Claims	27	- 20	7	\$18.00 each	\$ 126.00
Independent	1	- 3	0	\$86.00 each	\$ 0.00
Minimum Fee					\$ 770.00
Multiple Dependency Fee					
If Applicable (\$290.00)					\$ 0.00
Total					\$ 896.00
Applicant qualifies for the 50% Reduction for Independent Inventor, Nonprofit Organization or Small Business Concern					\$ 0.00
Total Filing Fee					\$ 896.00

☐ DO NOT PUBLISH. I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

☒ Priority of application no. 60/437,332 filed on December 31, 2002 is claimed under 35 U.S.C. § 119(e).

☐ The certified copy of the priority application has been filed in application no. filed on .

Please charge the required fee to Pennie & Edmonds LLP Deposit Account 16-1150. A copy of this sheet is enclosed.

Respectfully submitted,  
By: Anthony M. Insogna, Reg. No. 35,203  
Michael J. Brannen, Reg. No. 47,458 35,203  
Anthony M. Insogna Reg No.  
PENNIE & EDMONDS LLP

Enclosure

This form is not for use with continuation, divisional, re-issue, design or plant patent applications.



10-06-04

Page 1 of 2

IPW\$

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/749,344	12/30/2003	Jerome B. Zeldis	9516-070-999

20583  
JONES DAY  
222 EAST 41ST ST  
NEW YORK, NY 10017

CONFIRMATION NO. 8197

## FORMALITIES LETTER



\*OC000000012528399\*

Date Mailed: 05/05/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

10/08/2004 AWONDAF1 00000028 503013 10749344

FILED UNDER 37 CFR 1.53(b)

01 FC:1001 790.00 DA  
02 FC:1051 130.00 DA  
03 FC:1202 126.00 DA

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$126 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$1026 for a Large Entity

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is \$126

- \$126 for 7 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

*Alin*

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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE